

United States District Court
Southern District of Texas
FILED

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

MAY 04 2018

for the

Southern District of Texas

Clerk of Court

United States of America

v.

Oscar De La Cruz

SEAL

M-18-0955-M

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of March 7, 2017 in the county of Hidalgo in the
Southern District of Texas, the defendant(s) violated:

Code Section

21 USC § 846, 841

Offense Description

Conspiracy to Posses with the Intent to Distribute More than 5 Kilograms of
Cocaine

This criminal complaint is based on these facts:

See attachment

☒ Continued on the attached sheet.

Approved by

Sworn to before me and signed in my presence.

Date: 05/03/2018City and state: McAllen, Texas

Complainant's signature

Scott Atwood, Special Agent

Printed name and title

Judge's signature

J. Scott Hacker, US Magistrate Judge

Printed name and title

ATTACHMENT A

I, Special Agent (S/A) Scott H. Atwood, affiant, do hereby depose and state the following:

I am a Special Agent of the Federal Bureau of Investigation ("FBI") assigned to the Public Corruption Task Force. As a Special Agent with the FBI, I am vested with the authority to investigate violations of Federal laws, including violations of Title 21 United States Code ("U.S.C.") Section 841 and 846.

This affidavit is in support of a criminal complaint charging Oscar DE LA CRUZ ("De La Cruz") with violating Title 18, U.S.C., 846.

The facts establishing probable cause are based on the following:

1. In October 2017, FBI Special Agents received information from COOPERATING SOURCE 1 (hereinafter "CS 1") who stated that on multiple occasions he contacted and paid an individual (hereinafter "CS 2") to obtain false documents reflecting the seizure of controlled substances by law enforcement during 2016 and 2017. CS 1 stated he provided said false documents to the controlled substance sources of supply to make it appear that law enforcement seized the controlled substances in CS 1's possession, which allowed CS 1 and others to retain possession of the controlled substance for further distribution. CS 1 further stated that during this period he and others used these false documents to steal more than 5 kilograms of cocaine.
2. According to CS 1, CS 2 stated that he was using an individual by the name of "Oscar," who worked at the Hidalgo County Courthouse to generate false documents. CS 1 stated that during 2016 and 2017 he received multiple false documents from CS 2 documenting the fictitious seizure of controlled substances by law enforcement.
3. In November 2017, FBI Special Agents obtained a copy of one of the fraudulent documents obtained by CS 1 from CS 2. The document lists a case number and states that it corresponds to a search allegedly conducted at an address in Edcouch, Texas on March 5, 2017. According to the document, the search resulted in the seizure of six kilograms of cocaine by the Drug Enforcement Administration.
4. In March 2018, FBI Special Agents received information from CS 2, who stated CS 1 provided him money to obtain false documents from Oscar DE LA CRUZ, a bailiff for Hidalgo County Court at Law Number 6. CS 2 stated he paid DE LA CRUZ to obtain said false documents on multiple occasions. CS 2 stated that DE LA CRUZ provided the false documents so that they could be provided to sources of supply to make it appear that law enforcement had seized controlled substances contained in the documentation.
5. CS 2 also confirmed that he obtained the document referenced in paragraph 3 from DE LA CRUZ in McAllen, Texas on or near the date referenced in the document.

6. This affidavit is based on the personal knowledge and observations of your affiant and other law enforcement personnel. This affidavit is intended to support probable cause, but it is not intended to convey all the facts of the investigation.